

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

JOHN BADGER

CASE NO. 3:21-CV-01311

VERSUS

JUDGE TERRY A. DOUGHTY

POLICE DEPT CITY OF MONROE

MAG. JUDGE KAYLA D. MCCLUSKY

**JUDGMENT**

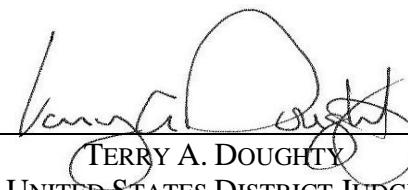
The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

**IT IS ORDERED** that Defendants' motion to dismiss is **GRANTED IN PART** and **DENIED IN PART** as follows:

To the extent that Defendants move for dismissal under Rules 12(b) and 12(b)(5) for lack of capacity to be sued and insufficiency of service of process, the motion is **GRANTED**, and Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that the motion to dismiss for failure to state a claim under Rule 12(b)(6) is **DENIED AS MOOT**.

MONROE, LOUISIANA, this 3<sup>rd</sup> day of August 2021.

  
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TERRY A. DOUGHTY  
UNITED STATES DISTRICT JUDGE